

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

IN RE: ANGELA J. RYAN, : Bankruptcy No. 15-10973-TPA  
: Chapter 13  
Debtor : Document No.  
: Related Document No. 100  
\_\_\_\_\_  
ANGELA J. RYAN, :  
Movant :  
:  
:  
:  
v. :  
ALL ABOUT SMILES, ALLY FINANCIAL, BANK: :  
OF AMERICA, CHASE BANK USA N.A., :  
CITICARDS CBNA, COMENITY BANK/ :  
MAURICES, DISCOVER FINANCIAL SVCS., :  
DR. WILLIAM VEASY, MIDLAND FUNDING, :  
LLC, NATIONSTAR MORTGAGE, LLC, :  
PORTFOLIO RECOVERY ASSOCIATES, LLC, :  
SYNCHRONY BANK/LOWES, TD BANK USA/ :  
TARGET, US BANK RMS CC, WELLS FARGO :  
EDUCATION FINANCING and RONDA J. :  
WINNECOUR, CHAPTER 13 TRUSTEE, :  
Respondents :

**AMENDED ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY  
FREE AND DIVESTED OF LIENS**

AND NOW, this 4th day of June, 2018, upon consideration of Debtor's/Movant's Motion Requesting Court Approval of Sale of Real Property Free and Divested of Liens Pursuant to 11 U.S.C. Section 363(b)(a), Section 363(f) and Section 1303, Federal Rule of Bankruptcy Procedure 6004(f) and Local Rules 6004-1 and 9013-3, to Owen O. Miller and Mary R. Miller, husband and wife, for \$110,000.00, after hearing held in United States Bankruptcy Court, U.S. Courthouse Room B160, 17 South Park Row, Erie, PA 16501, this date, the Court finds:

- 1) That service of the Notice of Hearing and Order setting hearing on said Motion/Complaint for private sale of real property free and divested of liens of the above named Respondent(s), was effected on the following secured creditors whose liens are recited in said Motion/Complaint for private sale, viz:

**DATE OF SERVICE**

**NAME OF LIENOR AND SECURITY**

Nationstar Mortgage, LLC  
PO Box 619096  
Dallas, TX 75261-9741

**Ronda J. Winnecour, Ch. 13 Trustee,**  
Suite 3250, U.S. Steel Building  
600 Grant Street  
Pittsburgh, PA 15219

- 2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to all creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion/Complaint.
- 3) That said sale hearing was duly advertised in the Bradford Era on April 16, 2018, as shown by the Proof of Publication duly filed, the Court having noted that there is no legal journal published in McKean County, Pennsylvania.
- 4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.
- 5) That the price of \$110,000.00 was a full and fair price for the property in question.
- 6) That the Purchasers have acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

Now, therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty Deed of the real property described as 1617 Two Mile Road, Port Allegany, Pennsylvania 16743 is hereby **CONFIRMED** to Owen O. Miller and Mary R. Miller, husband and wife, free and divested of the above recited liens and claims, and, that the Movant/Plaintiff is authorized to make, execute and deliver to the Purchasers above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the Closing Agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) Delinquent real estate taxes, if any;
- (2) Current real estate taxes, pro-rated to the date of closing;
- (3) The costs of local newspaper advertising in The Bradford Era in the amount of \$162.50 to be reimbursed to Debtor, who has paid these costs;
- (4) The filing fee paid to the Office of the Clerk in the amount of \$181.00 to be reimbursed to the Debtor, who has paid these fees;
- (5) Local Rule 9013-3 approved attorney's fees in the amount of \$750.00;
- (6) Payment in full of amount due to mortgage holder, Nationstar Mortgage, LLC, or its successor in interest, in the amount of \$100,731.38, approximately, assuming a settlement date of May 9, 2018, said amount to be increased by the per diem interest on the mortgage in the amount of \$18.63 for each day subsequent to May 9, 2018 until settlement occurs and the mortgage is paid

- in full;
- (7) State and local realty transfer taxes in the amount of \$1,100.00 to the McKean County Recorder of Deeds;
  - (8) The sum of \$1,677.31, approximately, to Ronda J. Winnecour, Chapter 13 Trustee, representing the Chapter 13 Trustee's commission with respect to mortgage payments which would have been made through the end of Debtor's Chapter 13 Plan;
  - (9) The sum of \$10.00 which shall be paid to Hamlin Bank & Trust Company to cover the wire transfer fee for wiring the mortgage payoff funds to Nationstar Mortgage, LLC; and
  - (10) The balance, \$5,387.81, approximately, to Movant, as said amount is protected by Movant's 11 U.S.C. Section 522(d)(1) exemption, said amount to be increased or decreased depending upon the payment of delinquent real estate taxes, if any, the proration of 2018 local real estate taxes, the final payoff amount to be paid to the mortgage holder and the final determination as to the amount of the Chapter 13 Trustee's commission.

FURTHER ORDERED that:

- (1) Closing shall occur within sixty (60) days of this Amended Order and, ***within five (5) days following closing***, the Movant/Plaintiff shall file a report of sale which shall include a copy of the HUD-1 or other Settlement Statement;
- (2) This Order Confirming Sale survives any dismissal or conversion of the within case; and
- (3) ***Within five (5) days of the date of this Amended Order***, the Movant/Plaintiff shall serve a copy of the within Order on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchasers, and the attorney for the Purchaser, if any, and file a certificate of service.

  
THOMAS P. AGRESTI jlm  
United States Bankruptcy Judge

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Angela J. Ryan  
Debtor

Case No. 15-10973-TPA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: aala  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jun 04, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 06, 2018.

db #+Angela J. Ryan, 1617 Two Mile Road, Port Allegany, PA 16743-6005

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 06, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 4, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC andygornall@latouflawfirm.com  
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com  
John R. Lhota on behalf of Debtor Angela J. Ryan lrj@atlanticbbn.net, tmb@atlanticbbn.net  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5